

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CARL G. NICHOLS and LIESE M. NICHOLS,

Plaintiffs,

v.

Case No. 10-02072

GMAC HOME MORTGAGE CORPORATION
and MCCURDY & CANDLER, LLC,

Defendants.

**ORDER DISMISSING WITHOUT PREJUDICE CLAIMS AGAINST DEFENDANT
MCCURDY & CANDLER, LLC, AND TERMINATING AS MOOT MOTION TO DISMISS**

On May 9, 2012, the court conducted an on-the-record telephonic hearing with counsel for the parties. During the hearing, Plaintiffs' counsel indicated that Defendant McCurdy & Candler, LLC, ("McCurdy") is no longer a necessary or appropriate party in this action. Thus, pursuant to Federal Rule of Civil Procedure 41(a)(1)(2), Plaintiffs' counsel and Defendant McCurdy's counsel agreed to a voluntary dismissal without prejudice of all claims asserted against Defendant McCurdy. Accordingly,

IT IS ORDERED that Plaintiffs' claims against Defendant McCurdy are DISMISSED WITHOUT PREJUDICE in accordance with Rule 41(a)(1)(2).

IT IS FURTHER ORDERED that Defendant McCurdy's motion to dismiss [Dkt. # 25] is TERMINATED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 11, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 11, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522